

Practitioner's Docket No. **MBIO99-030RCEM**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Barnes, Thomas M., et al. (as amended)		
Application No.:	09/333,159	Group No.:	1646
Filed:	June 14, 1999	Examiner:	Jiang, Dong
For:	NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC, PREVENTIVE, THERAPEUTIC, AND OTHER USES		

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Commissioner for Patents
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Supplemental Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and PTO/SB/08B (5 pages)
3. ☒ Copies of Listed Information Items Accompanying This Statement (29 references)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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01/13/2004 EFLORES 00000057 501668 09333159

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Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

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Copies of Listed Information Items Accompanying This Statement

Legible copies of all items listed in PTO/SB/08A and PTO/SB/08B (substitute for Form PTO-1449) accompany this information statement. Please note that these references and Information Disclosure Statement were previously submitted to the Examiner on December 21, 1999, and on November 19, 2002, however only the PTO-1449 form was received by the Examiner and not the references.

January 9, 2004

MILLENNIUM PHARMACEUTICALS, INC.

By: 

Jean M. Silveri

Registration No. 39,030

75 Sidney Street

Cambridge, MA 02139

Telephone – (617) 679-7336

Facsimile – (617) 551-8820

Practitioner's Docket No. MBIO99-030RCEM

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TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
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The information disclosure statement submitted herewith is being filed:

☐ Within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

OR

☐ *After* three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:

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Practitioner's Docket N . MBIO99-030RCEM

- (1) a final action under Section 1.113,
- (2) a notice of allowance under Section 1.311, or
- (3) an action that otherwise closes prosecution in the application

whichever occurs first.

☐ Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

☐ Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

☐ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

OR

☒ The information disclosure statement transmitted herewith is being filed *after* a final action under Section 1.113, or a notice of allowance under Section 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

☒ In accordance with the requirements of 37 C.F.R. Section 1.97(d):

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B. ☐ Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

C. ☐ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

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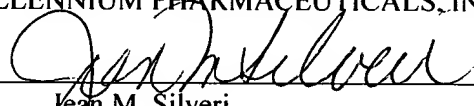
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<input checked="" type="checkbox"/> Charge Account No. 501668 in the amount of		\$180.00	.

☒ A duplicate of this request is attached.

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<u>January 9, 2004</u>	MILLENNIUM PHARMACEUTICALS, INC. By  Jean M. Silveri Registration No. 39,030 75 Sidney Street Cambridge, MA 02139 Telephone – (617) 679-7336 Facsimile – (617) 551-8820
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Substitute for form 1449A/PTO

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Sheet	1	of	1
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Application Number	09/333159
Filing Date	June 14, 1999
First Named Inventor	Barnes, Thomas M., et al. (as amended)
Group Art Unit	1646
Examiner Name	Jiang, Dong
Attorney Docket Number	MBIO99-030RCEM

[illegible][illegible]Date
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Application Number	09/333,159
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Examiner Name	Jiang, Dong
Attorney Docket Number	MBIO99-030RCEM

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T ²
	C1	ELSBACH, P., "The Bactericidal/Permeability-Increasing Protein (BPI) in Antibacterial Host Defense", <i>Journal of Leukocyte Biology</i> , Vol.64, July 1998, pp.14-18	
	C2	MAHADEVA, R. MD, et al. "Vasculitis and Bronchiectasis in a Patient With Antibodies to Bactericidal/Permeability-Increasing Protein and alpha sub 1-Antitrypsin Deficiency", <i>CHEST</i> , Vol. 112(6), December 1997, pp. 1699-1701	
	C3	DOCHERTY, A.J., et al. "Triacylglycerol lipase, gastric precursor (Gastric lipase) (GL) (Lingual lipase)", Created August 13, 1987, (sequence) GenPept (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. P04634.	
	C4	Vaganay, S., et al. "Triacylglycerol lipase, gastric precursor (Gastric lipase) (GL)", Sequence updated July 15, 1998, (sequence) GenPept (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. P80035.	
	C5	Bodner, M. W., et al. "Triacylglycerol lipase, gastric precursor (Gastric lipase) (GL)", Created April 1, 1988, (sequence) GenPept (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. P07098.	
	C6	Anderson, R. A., et al. "Lysosomal acid lipase/cholesteryl ester hydrolase precursor (LAL) (Acid cholesteryl ester hydrolase) (Sterol esterase) (Lipase A) (Cholesteryl esterase)", Sequence updated October 1, 1994, (sequence) GenPept (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. P38571.	
	C7	Waterston, R. "Hypothetical protein C06E1.3 in chromosome III", Created February 1, 1994, (sequence) GenPept (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. P34298.	
	C8	Strausberg, Robert. "Homo sapiens cDNA clone", June 25, 1997, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. AA506741.	
	C9	Marra, M. "Barstead mouse myotubes MPLRB5 Mus musculus cDNA clone", November 25, 1997, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA670682.	

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(as amended)**Group Art Unit**

1646

Examiner Name

Jiang, Dong

Attorney Docket Number

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OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T ²
	C10	Marra, M., et al., "vi87g10.rl Stratagene mouse heart (#937316) Mus musculus cDNA clone IMAGE:919266 5', MRNA sequence", July 1, 1997, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA499001.	
	C11	Marra, M., et al., "vu67d08.r1 Stratagene mouse skin (#937313) Mus musculus cDNA clone IMAGE:1196463 5', MRNA sequence", February 9, 1998, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA794194.	
	C12	Marra, M., et al., "vv53h10.r1 Soares_thymus_2NbMT Mus musculus cDNA clone IMAGE:1226179 5', MRNA sequence", January 21, 1998, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA756504.	
	C13	McIaren, S., "Human DNA sequence from clone CTA-57G9 on chromosome 22q12.1, complete sequence." June 3, 2003, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA295116.	
	C14	Wijngaard, P. L., et al., "B.bovis WC1.1 mRNA", May 24, 1994, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. X63723.	
	C15	Puschel, A. W., et al., "M. musculus mRNA for semaphoring B.", July 8, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. X85991.	
	C16	Strausberg, R. Ph.D., "aa34h11.r1 NCI_CGAP_GCB1 Homo sapiens cDNA clone IMAGE:815205 5', MRNA sequence", June 23, 1997, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA481246.	
	C17	Wilson, R. K., "ze94e06.r1 Soares_fetal_heart_NbHH19W Homo sapiens cDNA clone IMAGE:366658 5', MRNA sequence", March 29, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA029404.	

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	C18	Nathans, J., "17e7 Human retina cDNA randomly primed sublibrary Homo sapiens cDNA, MRNA sequence", May 8, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. W25986.	
	C19	Wilson, R. K., et al., "zj63a09.s1 Soares_fetal_liver_spleen_1NFLS_S1 Homo sapiens cDNA clone IMAGE:454936 3', MRNA sequence", February 5, 1998, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA779337.	
	C20	Wilson, R. K., et al., "zn42f02.r1 Stratagene endothelial cell 937223 Homo sapiens cDNA clone IMAGE:550107 5', MRNA sequence", November 27, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA082143.	
	C21	Marra, M., et al., "me11b04.r1 Soares mouse embryo NbME13.5 14.5 Mus musculus cDNA clone IMAGE:387151 5', MRNA sequence", June 11, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. W65734.	
	C22	Marra, M., et al., "mj65c04.r1 Soares mouse p3NMF19.5 Mus musculus cDNA clone IMAGE:480966 5', MRNA sequence", September 23, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA059511.	
	C23	Marra, M., et al., "mq60d04.r1 Soares_thymus_2NbMT Mus musculus cDNA clone IMAGE:583111 5', MRNA sequence", December 11, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA153748.	
	C24	Smith, M., "Human DNA sequence from clone RP1-149A16 on chromosome 22, complete sequence.", March 4, 2003, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AL021937.	
	C25	Ameis, D. et al., "H.sapiens mRNA for lysosomal acid lipase", February 25, 1994, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. X76488.	

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Sheet of 4

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	C26	Wilson, R. K., "zd90g02.s1 Soares_fetal_heart_NbHH19W Homo sapiens cDNA clone IMAGE:356786 3', MRNA sequence", June 19, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. W80832.	
	C27	Wilson, R. K., "ab94f09.s1 Stratagene lung (#937210) Homo sapiens cDNA clone IMAGE:854633 3', MRNA sequence", June 25, 1997, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA630445.	

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